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May 26, 2023

VIA ECF

Hon. Valerie E. Caproni
United States District Court for the Southern
District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

**Re: *Jeremiah Redstone, M.D. et al. v. Empire HealthChoice HMO, Inc. et al.*
Civil Action No. 1:23-cv-02077
Consent Request for Adjournment of Initial Pretrial Conference**

Dear Judge Caproni:

This firm represents Defendants Empire HealthChoice HMO, Inc. and Empire HealthChoice Assurance, Inc. (collectively "Empire") in the above-referenced action.

With the consent of Plaintiffs' counsel, Empire submits this request for a 30-day adjournment of the Initial Pretrial Conference which is currently set for June 16, 2023. In support of this request and in accordance with Your Honor's Individual Practices in Civil Cases, Empire states the following:

- This is Empire's second request for an adjournment of the Initial Pretrial Conference;
- Subsequent to the Court's setting of the Initial Pretrial Conference date, Plaintiffs requested, and the Court granted a 30-day extension of Plaintiffs' deadline to file an Amended Complaint or opposition to Empire's motion to dismiss, resulting in a new deadline of June 19, 2023;
- An adjournment of the Initial Pretrial Conference will enable the Plaintiff to prepare and file its opposition or Amended Complaint, and enable Empire to evaluate the Amended Complaint or opposition and prepare its response.
- Plaintiff has consented to an adjournment of thirty (30) days; and
- No party will be prejudiced by this adjournment.

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We thank Your Honor for your attention to this matter. If Your Honor has any questions, please do not hesitate to contact my office.

Respectfully submitted,

A handwritten signature in black ink that reads "Stefanie Cerrone".

Stefanie A. Cerrone

cc: All Counsel of Record (via ECF)

Application GRANTED. The initial pretrial conference scheduled for June 16, 2023, is hereby ADJOURNED to **Friday, July 21, 2023 at 10:00 A.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. The parties' joint submission in advance of the conference is due no later than **July 13, 2023**. For submission requirements, please see docket entry 4.

SO ORDERED.

A handwritten signature in blue ink that reads "Valerie Caproni".

Date: 5/30/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE